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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,184	06/30/2000	Samuel N. Zellner	BS99-224	9720

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EXAMINER
BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 August 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-54_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-54_ is/are rejected.

7)☒ Claim(s) _41_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 8/30/2004, with respect to the rejection(s)of independent claim(s) 1, 10, 17, 22, 28, 32 and 36 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bartoli US 6,047,268.

The amendment filed 8/30/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: New claim 41 states "sending the notification message to the help communications address" this statement could not be found in the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-27, 29-31, 33-35, and 37-54are rejected under 103(a) as being unpatentable over Blonder US 5,708,422 in view of Bartoli US 6,047,268

As per claims 1, 10, 17, 22, 42, and 50 Blonder discloses a payer (customer) who is initiating a commercial transaction (charge a purchase), (Col 4 lines 34-40). Blonder discloses an input device (card reader) to input the information (Col 4 lines 52-61, Col 5 lines 10-15). Blonder discloses requesting authorization (validation) for the commercial transaction (Col 5 lines 25-28, 32-37). Blonder discloses a computer to receive and authorize a request, sending authorization code to said input device, (Col 12 lines 1-6). Blonder discloses notifying the payer (customer) of the commercial transaction upon a request for authorization of the commercial transaction (Col 2 line 61 – Col 3 line 3). Blonder discloses a notification device (Pager) to receive the message and present it to the payer (Col 11 lines 38-42). Blonder teaches a paging message in which the customer is required to call the financial institution with a telephone, (Col 9 lines 25-32). Blonder does not teach sending a contact help number with the page or message. Blonder does not teach that the message contains an authorization or denial by a processing center.

Bartoli teaches sending a message to the user regarding a financial transaction including a customer assistance phone number, (Col 7 lines 28-34). It would have been obvious to one of ordinary skill in the art to combine the customer assistance phone number with the notification message of Blonder because a customer receiving the message by page would need to know where to call.

Bartoli teaches that the message indicates that the transaction cannot be authorized (Col 7 line 30). It would have been obvious to one of ordinary skill in the art to combine the authorization status with the message of Blonder to more clearly inform the customer as to why they are receiving the message.

As per claim 2, and 43 Blonder discloses obtaining an address (communications address field) to send the message, creating the message, and sending the message to the payer, (Col 5 lines 33-40, 47-56, Col 6 lines 50-64). Blonder teaches that the notification message comprises the amount of the commercial transaction, and the merchant name, (Col 7 lines 32-65, Fig 4, Fig 5)

As per claims 3, 4, 23, 29, and 44, Blonder discloses the message device to be an internet appliance using email, (Col 6 lines 50-54).

As per claims 5, 24, 30, 45, and 46 Blonder discloses sending an email to a paging service (interactive two way communication mechanism).

As per claims 6, 7, 9, 16, 21, 47, 48, and 54 Blonder discloses wherein the commercial transaction is a credit card, or debit transaction, or ATM transaction (Col 4 lines 30-35, 61-63).

As per claims 8 and 49 Bartoli teaches that the message indicates that the transaction cannot be authorized (Col 7 line 30).

As per claim 11, Blonder discloses the database comprises at least one notification address, (Col 5 line 56).

As per claim 12, Blonder discloses the device is a pager, (Col 8 lines 53-57).

As per claims 13, 19, 26, 33, and 52 Blonder discloses to determine if a threshold has been exceeded, and to prevent notification to the payer if the threshold has not been exceeded, and to send notification if the threshold has been exceeded (Col 5 line 66 – Col 6 line 4).

As per claims 14, 18, 27, 34, and 53 Blonder discloses preventing transmission of a notification if a filter has not been met, and to send notification if the filter has been met, (Col 5 lines 66- Col 6 line 1, 20-25).

As per claims 15, 20, 25, 31, 35, and 39 Blonder discloses a process to obtain approval from the payer prior to proceeding with the commercial transaction, (Col 2 lines 50-55).

As per claim 40, Blonder discloses waiting a pre-determined period of time for a response from the payer, and stopping the commercial transaction if the time period expires prior to the response from the payer, (Col 10 lines 58-63).

As per claim 41, Blonder teaches calling the credit company, (Col 9 lines 28-31). Bartoli teaches inviting the user to contact the customer assistance number, (Col 7 lines 30-34).

As per claim 51, Blonder teaches a database including contact information to which the notification message is sent, (Col 5 lines 34-47).

Claims 28, 37, and 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder US 5,708,422 in view of Bartoli 6,047,268 in view of Goldsmith US 6,064,990.

As per claim 28, the previous Blonder-Bartoli combination discloses a payer (customer)

who is initiating a commercial transaction (charge a purchase), (Col 4 lines 34-40).

Blonder discloses an input device (card reader) to input the information (Col 4 lines 52-

61, Col 5 lines 10-15). Blonder discloses requesting authorization (validation) for the

commercial transaction (Col 5 lines 25-28, 32-37). Blonder discloses a computer to

receive and authorize a request, sending authorization code to said input device, (Col 12

lines 1-6). Blonder discloses notifying the payer (customer) of the commercial

transaction upon a request for authorization of the commercial transaction (Col 2 line 61

– Col 3 line 3). Blonder discloses a notification device (Pager) to receive the message

and present it to the payer (Col 11 lines 38-42). Bartoli teaches sending a message to the

user regarding a financial transaction including a customer assistance phone number.

Bartoli teaches that the message indicated that the transaction couldn't be authorized (Col

7 line 30).

Goldsmith discloses an online banking transaction, (Col 2 lines 50-53).

It would be obvious to modify the Blonder authorization system with the transaction type

of Goldsmith because it would prevent fraud in online banking.

As per claims 37 and 38, the previous Blonder-Bartoli combination discloses a payer

(customer) who is initiating a commercial transaction (charge a purchase), (Col 4 lines

34-40). Blonder discloses an input device (card reader) to input the information (Col 4

lines 52-61, Col 5 lines 10-15). Blonder discloses requesting authorization (validation)

for the commercial transaction (Col 5 lines 25-28, 32-37). Blonder discloses a computer

to receive and authorize a request, sending authorization code to said input device, (Col

12 lines 1-6). Blonder discloses notifying the payer (customer) of the commercial

transaction upon a request for authorization of the commercial transaction (Col 2 line 61

– Col 3 line 3). Blonder discloses a notification device (Pager) to receive the message

and present it to the payer (Col 11 lines 38-42). Blonder teaches sending the message if

threshold or filter parameters have been met, (Col 5 line 66- Col 6 line 4). Bartoli teaches

sending a message to the user regarding a financial transaction including a customer

assistance phone number. Bartoli teaches that the message indicated that the transaction

cannot be authorized (Col 7 line 30).

Goldsmith teaches sending the notification message even if the threshold and filters

have not been met, (Col 2 lines 5-17). It would have been obvious to one of ordinary

skill in the art to combine the messaging of Goldsmith with the Blonder-Bartoli

combination to catch any unauthorized access to financial accounts that didn't trigger a

threshold or filter.

Claims 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Blonder US 5,708,422 in view Bartoli 6,047,268 in view of Bickham US 5,530,438

As per claims 32, and 36, the previous Blonder-Bartoli combination discloses a payer,

(customer) who is initiating a commercial transaction (charge a purchase), (Col 4 lines

34-40). Blonder discloses an input device (card reader) to input the information (Col 4

lines 52-61, Col 5 lines 10-15). Blonder discloses requesting authorization (validation)

for the commercial transaction (Col 5 lines 25-28, 32-37). Blonder discloses a computer

to receive and authorize a request, sending authorization code to said input device, (Col

12 lines 1-6). Blonder discloses the database comprises at least one notification address,

(Col 5 line 56). Blonder discloses notifying the payer (customer) of the commercial

transaction upon a request for authorization of the commercial transaction (Col 2 line 61

– Col 3 line 3). Blonder discloses a notification device (Pager) to receive the message

and present it to the payer (Col 11 lines 38-42).). Blonder teaches that the notification

message comprises the amount of the commercial transaction, and the merchant name,

(Col 7 lines 32-65, Fig 4, Fig 5)

Bartoli teaches sending a message to the user about a financial transaction includes a

customer assistance phone number. Bartoli teaches that the message indicated that the

transaction couldn't be authorized (Col 7 line 30).

Blonder does not disclose a subscription service.

Bickham discloses a subscription service for a financial alert system, (Col 5 lines 18-26).

It would be obvious to modify Blonders alert system with Bickhams subscription service

to pay for and or make profit from the service, (Bickham Col 5 line 22).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher J Brown whose telephone number is

(571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown   1/13/05

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